



**IT IS ORDERED as set forth below:**

**Date: March 16, 2016**

A handwritten signature in black ink, appearing to read "Barbara Ellis-Monro".

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**Barbara Ellis-Monro  
U.S. Bankruptcy Court Judge**

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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

In re:	)	
	)	Chapter 13
GWENDOLYN LORITA MARTIN,	)	
	)	Case No. 15-56724-BEM
Debtor.	)	
	)	
_____	)	
APRIL MARTIN AS THE SUCCESSOR	)	
ADMINISTRATOR OF THE PROBATE	)	
ESTATE OF WILLIAM C. MARTIN	)	
	)	
Plaintiffs,	)	
	)	Adv. Proc. No. 15-05283
v.	)	
	)	
GWENDOLYN LORITA MARTIN,	)	
	)	
Defendant.	)	

**ORDER AND JUDGMENT**

By consent of the parties as reflected in the signature of counsel below, it is hereby

ORDERED, ADJUDGED, AND DECREED that Judgment is entered in favor of the Plaintiff APRIL MARTIN AS THE SUCCESSOR ADMINISTRATOR OF THE PROBATE ESTATE OF WILLIAM C. MARTIN against the Defendant GWENDOLYN LORITA MARTIN in the amount of \$32,331.13 plus interest at the judgment rate arising out of the June 10, 2014 Judgment against Gwen Martin requiring her to repay to the estate of her deceased husband \$30,886.85 as set forth on Exhibit A hereto, with such interest to be calculated as of April 10, 2015; and it is further

ORDERED, ADJUDGED, AND DECREED that the Judgment entered in favor of the Plaintiff and against the Defendant is nondischargeable pursuant to 11 U.S.C. §§ 1328(a)(2) and 523(a)(4).

**Prepared and Presented by,**

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of the Probate Estate of William C. Martin

**Stipulated and agreed to by:**

Gwen L. Martin

THE SEMRAD LAW FIRM, LLC  
s/ Nicole B. Holtzapple  
Georgia Bar #940598  
*With express permission*

**EXHIBIT A**

IN THE SUPERIOR COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

FILED  
CLERK  
GWINNETT COUNTY

2014 JUN 10 AM 9:58

HERBERT L. MCGREW and MCGREW &  
ASSOCIATES, INC.

Plaintiffs,

vs.

LIBERTY INSURANCE CORPORATION  
a/k/a LIBERTY MUTUAL and  
GWENDOLYN MARTIN, individually and as  
administrator of the Estate of William Martin

Defendants.

)  
)  
)  
) CIVIL ACTION FILE  
) NO. 13A 04596-5  
)  
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)  
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)  
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RICHARD ALEXANDER, CLERK


**ORDER AND FINAL JUDGMENT**

The Court held a duly-noticed final hearing on June 10, 2014 on Plaintiff's remaining claims. Following the entry of default against Ms. Martin and the dismissal of Liberty Insurance Corporation, two issues remain: Plaintiffs' claims for attorneys fees against Ms. Martin under O.C.G.A. § 13-6-11 and Plaintiffs' fraudulent transfer claim against Ms. Martin. Having fully considered the evidence and the argument of the parties, the Court rules as follows.

The Court GRANTS judgment to Plaintiffs against Gwendolyn Martin on the claim for attorneys fees and expenses under O.C.G.A. § 13-6-11 in the amount of \$14,126.69. The Court GRANTS judgment to Herbert McGrew against Gwendolyn Martin on the claim for fraudulent transfer. The Court avoids the transfer from the Estate of William Martin to Ms. Martin individually, in the amount of \$30,886.85. The Court grants a constructive trust on the funds. The Court further ORDERS Ms. Martin to repay

the \$30,886.85 to the Estate within 30 days of this entry of this Order and Final Judgment.

This 10<sup>th</sup> day of June, 2014.

  
The Honorable Karen E. Beyers  
Superior Court of Gwinnett County

Presented by:

/s/ T. Brandon Welch  
T. Brandon Welch  
Georgia Bar No. 152409  
Attorney for Plaintiffs

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